

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James Corneilius Gary,)	C/A No. 2:10-3024-JFA-RSC
)	
Plaintiff,)	
vs.)	
)	ORDER
Jon Ozmint, Director; Bernard McKie, Warden)	
at Kirkland Correctional Institution,)	
)	
Defendants.)	

The *pro se* plaintiff, James Corneilius Gary, brings this action pursuant to 42 U.S.C. § 1983 alleging that he received inadequate and improper medical care while he was an inmate at the Wateree Correctional Institution.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for failure to state a claim upon which relief may be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

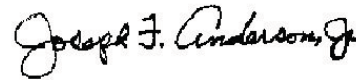
The plaintiff was advised of his right to file objections to the Report and Recommendation which was entered on the docket on December 9, 2010. The plaintiff did

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

not file objections to the Report. He did, however, file a letter requesting that he be allowed a change of venue noting that he is now in the Laurens County Jail. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

February 24, 2011
Columbia, South Carolina